

WMN:BSK
F. #2011R01673/OCDETF #NYNYE547

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 23 2013 ★

BROOKLYN OFFICE

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I N F O R M A T I O N

UNITED STATES OF AMERICA

- against -

BYRON ERNESTO ORDONEZ PORTILLA,

Defendant.

Cr. No. 12-641(RJD)
(T. 21, U.S.C., §§ 853(a),
853(p), 959(c),
960(b)(1)(B)(ii) and 963;
T. 18, U.S.C., §§ 3238 and
3551 et seq.)

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THE UNITED STATES ATTORNEY CHARGES:

INTERNATIONAL COCAINE DISTRIBUTION CONSPIRACY

1. On or about and between January 1, 2002 and January 19, 2011, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant BYRON ERNESTO ORDONEZ PORTILLA, together with others, did knowingly and intentionally conspire to distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3).

(Title 21, United States Code, Sections 963, 959(c) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 3238 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

2. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United

States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK